

မြန်မာနိုင်ငံရင်းနှီးမြှုပ်နှံမှုကော်မရှင်

ခွင့်ပြု မိန့်.



ခွင့်ပြုမိန့်အမှတ် ၃၂၇/၉၉

၁၉၉၉ခုနှစ်၊ စက်တင်ဘာလ ၆ ရက်။

ပြည်ထောင်စုမြန်မာနိုင်ငံတော် နိုင်ငံခြားရင်းနှီးမြှုပ်နှံမှု ဥပဒေပုဒ်မ ၁၀ အရ ဤခွင့်ပြုမိန့်ကို  
မြန်မာနိုင်ငံရင်းနှီးမြှုပ်နှံမှု ကော်မရှင်က ထုတ်ပေးလိုက်သည် -

- (က) ကမကထပြုသူ၏အမည် ဦး ဆောင် ညွှန်ကြားရေးမှူး၊ အမှတ်(၁)သတ္တုတွင်းလုပ်ငန်း
- (ခ) မည်သည့်နိုင်ငံသား မြန်မာ
- (ဂ) နေရပ်လိပ်စာ အမှတ် (၉၀) ၊ ကံဘွယ်လမ်း ၊ ရန်ကင်းမြို့နယ် ၊ ရန်ကုန်မြို့။
- (ဃ) ပင်မအဖွဲ့အစည်းအမည်နှင့်လိပ်စာ အမှတ် (၉၀) ၊ ကံဘွယ်လမ်း ၊ ရန်ကင်းမြို့နယ် ၊ ရန်ကုန်မြို့
- (င) ဖွဲ့စည်းရာအရပ် ရန်ကုန်မြို့
- (စ) ရင်းနှီးမြှုပ်နှံမှုပြုလုပ်မည့်လုပ်ငန်းအမျိုးအစား သွပ်သတ္တုရိုင်းတူးဖော်ထုတ်လုပ်ခြင်း လုပ်ငန်း
- (ဆ) ရင်းနှီးမြှုပ်နှံမှုပြုလုပ်ခွင့်ပြုသည့်အရပ်ဒေသ(များ) ၂၀ မြို့၊ ပြည်တောင်ပိုင်း၊ ပိုင်း၊ ပွန်မြို့နယ်၊ လုံချီန်ဒေသ
- (ဇ) နိုင်ငံခြားမတည်ငွေရင်း အမေရိကန်ဒေါ်လ ၁၂၅.၀ သန်း
- (ဈ) နိုင်ငံခြားမတည်ငွေရင်းယူဆောင်လာရမည့်ကာလ မြစ်မြေဘက် နိုင်ငံစမ်းလေ့လာရေးကတလတွင် အသုံးပြုရန်အမေရိကန်ဒေါ်လ ၁၀၂၅ သန်းကို စတင်ချုပ်လက်ရေးထိုးပြီး (၁)နှစ်အတွင်း နှစ်ကျန်ငွေကိုလုပ်ငန်းဆက်လက်ဆောင်ရွက်မှုဖြစ်ပါက
- (ည) စုစုပေါင်း မတည်ငွေရင်း ပမာဏ(ကျပ်) အမေရိကန်ဒေါ်လ ၁၂၅ သန်း နှင့်ညီမျှသော မြန်မာကျပ်ငွေ
- (ဋ) ရင်းနှီးမြှုပ်နှံခွင့်ပြုသည့်သက်တမ်း ၂၀ နှစ်
- (ဌ) မြန်မာနိုင်ငံတွင် ဖွဲ့စည်းမည့် စီးပွားရေးအဖွဲ့အစည်းအမည် CORNERSTONE RESOURCES (MYANMAR) LTD.

21-မတ်

ဥက္ကဋ္ဌ

မြန်မာနိုင်ငံရင်းနှီးမြှုပ်နှံမှုကော်မရှင်

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GOVERNMENT OF THE UNION OF MYANMAR  
MYANMAR INVESTMENT COMMISSION

653 / 691, Merchant Street, Yangon.

Our ref : Ya Ka-1/478/99(4869 g)

Tel : 272219, 272855

Dated : 6<sup>th</sup> September 1999

Fax : 095-01-282101

**Subject : Decision of the Myanmar Investment Commission on the Proposal for "Mineral Exploration and Feasibility Studies leading to Zinc Mining and Processing" under the name of " Cornerstone Resources (Myanmar) Ltd."**

Reference: Ministry of Mines letter No. 16-Branch(1)99 dated 16-8-99.

1. The Myanmar Investment Commission, at its meeting 14/99 held on 20-8-99 had reviewed the proposal for "Mineral Exploration and Feasibility Studies leading to Zinc Mining and Processing" under the name of "Cornerstone Resources (Myanmar) Ltd." submitted as an agreement for Mineral Exploration and Feasibility Studies leading to Zinc Mining and Processing in Long Keng Area, Ming Pon Township, Southern Shan State between No. (1) Mining Enterprise and Cornerstone Resources (Myanmar) Ltd. After careful review, it was deliberated that the proposed project be approved in principal for implementation and the proposal be submitted to the Cabinet meeting for final approval.

2. The Cabinet, at its meeting 32/99 held on 2-9-99 resolved to permit the said project. Hence, the "Permit" is herewith issued in accordance with Chapter VI, Section 10 of the Union of Myanmar Foreign Investment Law and Chapter VI, Rule 13 of the Procedures relating to the said Law. Terms and conditions to the "Permit" are stated in the following paragraphs.

3. The permitted duration of the project shall be 20(Twenty) years from commencement of commercial production and one year for Feasibility Studies. At the end of the Period, Cornerstone Resources (Myanmar) Ltd. shall be extended by mutual agreement and with the approval of Myanmar Investment Commission.

4. Cornerstone Resources (Myanmar) Ltd. shall take measure not to disturb and prevent damage to the planned agricultural projects and irrigation projects undertaken by the Ministry of Agriculture and Irrigation within the project area. Cornerstone Resources (Myanmar) Ltd. shall also pay appropriate compensation or remedy for any damage to property, land, cultivation or vegetation in the course of Mineral Exploration and Feasibility Studies leading to Zinc Mining and Processing.

5. Cornerstone Resources (Myanmar) Ltd. shall provide a Performance Bank Guarantee to the amount of US \$ 50,000 (United States Dollars Fifty Thousand Only) in favour of the No. (1) Mining Enterprise within 30(Thirty) days from the effective date of the Contract.

6. Cornerstone Resources (Myanmar) Ltd. shall pay to the No. (1) Mining Enterprise as Signature Bonus a sum of US \$ 30,000 (United States Dollars Thirty Thousand Only) within 21(Twenty One) days from election by Cornerstone Resources (Myanmar) Ltd. to proceed to Development, Mining and Processing.

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6. Cornerstone Resources (Myanmar) Ltd. shall pay to the No. (1) Mining Ent. Signature Bonus a sum of US \$ 30,000 (United States Dollars Thirty Thousand Only) 21(Twenty One) days from election by Cornerstone Resources (Myanmar) Ltd. to proceed Development, Mining and Processing.

7. Cornerstone Resources (Myanmar) Ltd. shall pay to the No. (1) Mining Enterprise as Premium a sum of US \$ 20,000 (United States Dollars Twenty Thousand Only) on the day of Signing Contract.

8. Cornerstone Resources (Myanmar) Ltd. shall provide the Dead Rent in favour of Department of Mines in United States Dollars for each financial year in two equal instalments, each payable within 30(Thirty) days after 1<sup>st</sup> April and 1<sup>st</sup> October respectively and payable as follows:

<u>Period</u>	<u>Rate of Dead Rent</u> (US \$/sq.km./annum)
Feasibility	267
Development	400
Production	500

9. Cornerstone Resources (Myanmar) Ltd. shall pay royalty to the Department of Mines 3(Three) percent of total production from the commencement of production and the remaining 97(Ninety Seven) percent of the production of Zinc Ore shall be shared between the parties in the following manner.

***Production Sharing***

<u>M.E (1)</u>	<u>Cornerstone</u>
30%	70%

10. Draw-back for machinery, equipments and instruments after completion of the operation period is approved.

11. In issuing this "Permit" the Commission has granted the following exemptions and reliefs :

- As per Section-21(a), exemption from income-tax up to 36 (Thirty Six ) months starting from the month of commencement of commercial operation.
- As per Section-21(b), regarding exemption from income-tax on profits of the business if they are maintained in a reserve fund and re-invested therein within one year after the reserve is made, Cornerstone Resources (Myanmar) Ltd. shall apply for such exemption only after 3-year tax holiday period.
- As per Section-21(c), Cornerstone Resources (Myanmar) Ltd. shall be granted to accelerate depreciation in respect of machinery, equipment, building or other capital assets used in the business to the extent of the original value for the purpose of income-tax assessment. However, Cornerstone Resources (Myanmar) Ltd. shall have to apply to the Commission such rates of depreciation.

are actually required and are carried out within the State, Cornerstone Resources (Myanmar) Ltd. shall apply, upon actual performance of such research and development programme, only after 3-year tax holiday period.

- (h) As per Section-21(h), regarding right to carry forward and set-off up to three consecutive years from the year the loss is sustained following the enjoyment of exemption from income-tax, Cornerstone Resources (Myanmar) Ltd. shall file the case, if any, to the Ministry of Finance and Revenue in accordance with Section-4 of the Income Tax Amendment Law, 1991.
- (i) As per Section-21(i), exemption from customs duty and all other internal taxes on machinery, equipment, instruments, machinery components, spare parts and materials used in the business, which are imported as they are actually required for use during the period of construction.
- (j) As per Section-21(j), exemption from customs duty and all other internal taxes on such raw materials and additional import of machinery, equipment and spare parts which are actually required for operation of the business shall be granted within three years of commercial operation following the period of construction. However, such imports shall be subject to the approval endorsed by the Ministry of Mines.

12. Cornerstone Resources (Myanmar) Ltd. shall have to sign an agreement for Mineral Exploration and Feasibility Studies leading to Zinc Mining and Processing at the Longh Keng Area, Ming Pon Township in Southern Shan State with the No. (1) Mining Enterprise. After signing such Agreement, (5) copies each of those shall have to be forwarded to the Commission.

13. Cornerstone Resources (Myanmar) Ltd. in consultation with the Department of Company Administration, Directorate of Investment and Company Administration shall have to be registered. After registration, (5) copies each of Certificate of Incorporation and Memorandum and Articles of Association shall have to be forwarded to the Commission.

14. In operating the business under this "Permit" Cornerstone Resources (Myanmar) Ltd. shall have to use its best efforts for timely realization of works stated in the Proposal. If none of such works has been commenced within one year from the date of issue of this "Permit", it shall be become null and void.

15. The official date of operation shall be reported to the Commission.

16. The Commission approves periodical appointments of foreign experts and technicians from abroad as per Proposal. Cornerstone Resources (Myanmar) Ltd. shall have to consult with Directorate of Labour, Ministry of Labour for appointment of such foreign experts and technicians.

17. In order to evaluate foreign capital in terms of Kyats and for the purpose of its registration in accordance with the provision under Section-24 of the Union of Myanmar Foreign Investment Law, it is compulsory to report as early as possible in the following manner:-

- (a) the amount of foreign currency brought into Myanmar, attached with the necessary documents issued by the respective bank where the account is opened;
- (b) the detailed lists of the type and value of foreign capital defined under Section-2(h) of the said Law, other than foreign currency, to the Chairman, Foreign Capital Evaluation Sub-Committee.

8. Ministry of Mines
9. Ministry of Foreign Affairs
10. Ministry of Home Affairs
11. Ministry of Immigration and Population
12. Ministry of Labour
13. Ministry of Electric Power
14. Chairman, Committee for Assisting the Myanmar Investment Commission (Governor, Central Bank of Myanmar)
15. Chairman, Foreign Capital Evaluation Sub-Committee (Director General, Central Equipment Statistics and Inspection Department)
16. Director General, Directorate of Investment and Company Administration
17. Director General, Customs Department
18. Director General, Internal Revenue Department
19. Managing Director, Myanma Foreign Trade Bank
20. Managing Director, Myanma Investment and Commercial Bank
21. Managing Director, Myanma Insurance
22. Managing Director, Myanma Electric Power Enterprise
23. Director General, Directorate of Trade
24. Director General, Immigration and National Registration Department
25. Director General, Directorate of Labour
26. Chairman, Union of Myanmar Chamber of Commerce and Industry